

## WORKFORCE DEVELOPMENT DEPARTMENT[871]

### Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 96.11, the Director of the Department of Workforce Development hereby gives Notice of Intended Action to amend Chapter 1, “Administration,” Chapter 22, “Employer Records and Reports,” and Chapter 24, “Claims and Benefits,” Iowa Administrative Code.

These proposed amendments update, clarify and simplify the procedures by which claimants and employers interact with Iowa Workforce Development. The amendments also bring the rules up to date by reflecting changes in technology and efficiencies developed within the agency since the affected rules were adopted. The agency needs to have administrative rules that address these changes.

Any interested person may make written or oral suggestions or comments on the proposed amendments on or before July 11, 2017, by sending them to David J. Steen, Attorney, Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209. Comments may be sent electronically to [david.steen@iwd.iowa.gov](mailto:david.steen@iwd.iowa.gov).

These amendments do not have any fiscal impact on the State of Iowa.

Waiver provisions do not apply to this rule making.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 96.

The following amendments are proposed.

ITEM 1. Amend subrule 1.1(10) as follows:

**1.1(10) Division of workforce development center administration.** The division is under the direction of a division administrator who reports to the director. ~~The budget and rules relating to workforce development must be approved by the Iowa workforce development board.~~ The division’s function is to administer, inform, regulate and enforce workforce development issues and services such as employment, training and placement as provided in Iowa Code chapters 7B, 84A and 96. A specific description of ~~board duties and~~ division responsibilities is contained in ~~877—Chapters 2 and 3~~ 877—Chapter 2.

ITEM 2. Amend rule **871—22.3(96)**, catchwords, as follows:

**871—22.3(96) Filing of Employer’s Contribution and Payroll Report, 65-5300, and Employer’s Payroll Continuation Sheet, 60-0103.**

ITEM 3. Amend subrule 22.3(4) as follows:

**22.3(4)** Employer to file report even when no payroll. Every qualified or subject employer is required to ~~send in an Employer’s Contribution and Payroll Report, Form 65-5300, file contribution and payroll~~ each quarter. Even though an employer finds that for some particular quarter no contributions are due, ~~or they have~~ the employer has no employees during the period covered, a report must be filed with the department.

ITEM 4. Amend subrule 22.3(6) as follows:

**22.3(6)** ~~Each Form 65-5300, Employer’s Contribution & and Payroll Report,~~ shall include:

a. The social security number, name (last name first), and total wages paid to each employee during the calendar quarter. All corrections to previous reports must be submitted ~~on Form 68-0061, Employer’s Wage Adjustment Report~~ electronically. All employees’ wages will be reported by the reporting unit under which the work was performed. See rules 871—23.3(96) through 871—23.6(96).

b. The sum of the total and taxable wages paid to all employees during the calendar quarter. ~~If reported electronically, the~~ The sum of the total and taxable wages will be computed for the employer. The electronic system will compute the taxable wages for each employee. If the employer is claiming taxable wages reported to another state, the amount claimed and the state that the wages were reported to will be listed.

c. The amount of contribution due for the calendar quarter. ~~If the report is filed electronically, the~~ The system will compute and enter the contribution due.

d. The amount of interest due, if any, for the calendar quarter. ~~If the report is filed electronically, the~~ The system will compute and enter the interest due.

e. The amount of penalty due, if any, for the calendar quarter. ~~If the report is filed electronically, the~~ The system will compute and enter any penalty due.

f. The total amount of contribution, interest and penalty due for the calendar quarter. ~~If the report is filed electronically, the~~ The system will compute and enter the total amount due.

g. Rescinded IAB 5/5/10, effective 6/9/10.

h. The amount of net remittance due for the calendar quarter; however, if the amount of net remittance due is less than \$1, the employer need not submit payment. ~~If the report is filed electronically, the~~ The system will compute and enter the net remittance due.

i. The total number of employees listed on the report. ~~If the report is filed electronically, the~~ The system will compute and enter the total number of employees on the report.

j. The amount of extraordinary pay which was paid to the employees during the calendar quarter for each reporting unit.

k. The total number of employees paid wages during the pay periods which include the twelfth day of each month of the calendar quarter for each reporting unit.

l. The number of the county in which the reporting unit is located if only one business activity is conducted at only one worksite during the calendar quarter; however, if the same business activity is conducted at more than one worksite or if different business activities are conducted at one or more worksites, the employer shall ~~also be required to complete and return the Form 65-5519, Multiple Worksite Report, which shall~~ include for each worksite the total number of employees paid wages during the pay periods which include the twelfth day of each month of the calendar quarter and the total wages paid during the calendar quarter. The system will compute and enter taxable wages ~~if the report is filed electronically.~~

(1) The total number of employees paid wages during the pay periods which include the twelfth day of each month of the calendar quarter for all worksites ~~as reported on the Form 65-5519, Multiple Worksite Report,~~ should equal the total number of employees reported for that month ~~on the Form 65-5300, Employer's Contribution & Payroll Report.~~

(2) The total wages paid to all employees at all worksites ~~as reported on the Form 65-5519, Multiple Worksite Report,~~ should equal the total wages reported ~~on the Form 65-5300, Employer's Contribution & Payroll Report.~~

(3) It could be possible for wages to be reported for a worksite without corresponding employment being reported in any of the months during the quarter because wages paid are reportable for the full 13-week period in the calendar quarter, ~~while employment.~~ Employment is reportable ~~on the Form 65-5300, Employer's Contribution & Payroll Report,~~ when such employment occurs during the pay periods which include the twelfth day of any month in the calendar quarter.

m. The reason (seasonal change, labor dispute, layoff, recall, worksite opening, or worksite closing) for the increase or decrease in total employment during the calendar quarter.

n. Rescinded IAB 3/5/03, effective 4/9/03.

o. The electronic signature, ~~written or electronic,~~ of the owner, responsible officer, or authorized agent of the employer certifying that the information given is true and correct to the best of the signer's knowledge and belief, the date the report was submitted and the telephone number of the signer.

p. Such other schedules or reports as may be required, duly completed in all substantial respects on such forms and in accordance with such instructions as the department may provide or approve.

ITEM 5. Rescind and reserve subparagraph **24.1(25)“b”(13)**.

ITEM 6. Rescind and reserve subrule **24.1(68)**.

ITEM 7. Rescind and reserve subrule **24.1(72)**.

ITEM 8. Amend subrule 24.2(2) as follows:

**24.2(2)** Filing a claim for unemployment insurance benefits (not applicable to interstate claims).

*a.* A notice of claim filing, which includes the name and social security number of the individual claiming benefits, shall be sent to each base period employer on record and the last employer if different than the base period employer unless the separation issue has previously been adjudicated.

*b.* Even though the claims taker may believe that the claimant cannot meet the eligibility conditions required by statute, the claims taker shall in no instance refuse to accept a claim from any unemployed individual. If the claimant elects to file a claim, even though the claimant's eligibility may be questionable, the claim shall be accepted without hesitance. The claimant ~~must~~ may be required to provide adequate proof of identification such as a driver's license, proof of citizenship, car registration, or union membership card or supply personally identifying information.

*c.* If a claim was filed in a previous quarter and was determined not eligible because of no wage records, or lack of qualifying earnings, a benefit year has not been established and a new claim will be taken. A new claim should not be taken if the claimant previously has filed an ineligible claim in the same quarter unless the claimant insists on filing after being advised of ineligibility. The claims taker shall explain or send notice to the claimant that another claim filed in the same quarter would also be determined as ineligible because additional wage credits (if any) would not be available until a subsequent quarter. The claimant should be advised to file a new claim during the first full week of the next calendar quarter.

*d.* If the check of the files does not disclose a previous claim and the claimant states that a claim has not been filed during the past year, a new claim shall be taken.

*e.* Partially unemployed claims.

(1) A partially unemployed individual shall file a claim for benefits in the same manner as an initial claim for unemployment insurance.

(2) Reporting wages. A partially unemployed individual shall report all wages which are earned for each week benefits are claimed.

(3) A claimant in a continuous reporting status, employed with the same employer, may exceed the claimant's weekly benefit amount plus \$15 for four consecutive weeks before the individual is required to file an additional claim for benefits.

*f.* If the check of the files does not disclose a monetarily valid claim in another state, a new claim shall be taken.

ITEM 9. Amend paragraph **24.2(4)“a”** as follows:

*a.* A request for cancellation of an unemployment insurance claim may be made by the individual ~~in writing~~ and be directed to the ~~Unemployment Insurance Service Center, Department of Workforce Development, P.O. Box 10332, Des Moines, Iowa 50306~~ benefits bureau of the unemployment insurance services division. The statement must include the specific reason for the request and contain as much pertinent information as possible so that a decision can be made. A notice with the result of the request will be sent.

ITEM 10. Amend paragraph **24.2(4)“c,”** introductory paragraph, as follows:

*c.* Cancellation requests within the ten-day protest period. ~~The claims section~~ benefits bureau, upon review of the timely request and before payment is made, may cancel the claim for the following reasons:

ITEM 11. Amend subrule 24.5(2), introductory paragraph, as follows:

**24.5(2) Cooperation of employers.** To enable workforce development centers to make the preliminary arrangements for mass claim taking, the major employers in the area should notify the local office in advance, as soon as they know that a mass separation will take place. The workforce development center shall provide the information to legal counsel for the unemployment insurance

services ~~bureau~~ division so that the mass claim separation can be coordinated between the affected parties. This information should include:

ITEM 12. Amend paragraph **24.9(1)“a”** as follows:

*a.* When an initial claim for benefits is filed, the department shall ~~mail~~ send to the individual claiming benefits a ~~Form 65-5318, Iowa Monetary Record, which is,~~ including a notification statement of the individual's weekly benefit amount, total benefits, base period wages, and other data pertinent to the individual's benefit rights.

ITEM 13. Amend subrule 24.19(3) as follows:

**24.19(3)** Upon receiving a written request for review or, on its own initiative and on the basis of the facts as it may have in its possession or may acquire, the ~~claims-section~~ benefits bureau may affirm, modify, or reverse the prior decision, or refer the claim to an administrative law judge. The claimant or any other party filing the request for review shall be promptly notified of the decision or referral. Unless the claimant or any other party files an appeal within ten days after the date of mailing, the latter decision shall be final and benefits shall be paid or denied in accordance therewith.

ITEM 14. Amend paragraph **24.33(2)“k”** as follows:

*k.* The requirements in subrules 24.33(1) and 24.33(2) will cover the establishment and termination reports of the work stoppage and give the information necessary for the ~~claims-section~~ benefits bureau to investigate the work stoppage when claims are filed on which a protest is made that the claimant is involved in a work stoppage.